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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
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11 TONY D. BURTS,) Case No. CV 10-1519 DDP(JC)
12 Petitioner,)
13 v.) ORDER ADOPTING FINDINGS,
14 WARDEN,) CONCLUSIONS, AND
15 Respondent.) RECOMMENDATIONS OF UNITED
16 STATES MAGISTRATE JUDGE

17 Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition for Writ of
18 Habeas Corpus by a Person in State Custody (the “Petition”) and all of the records
19 herein, including the attached Report and Recommendation of United States
20 Magistrate Judge (“Report and Recommendation”), and petitioner’s objections to
21 the Report and Recommendation (“Objections”). The Court has further made a *de*
22 *novo* determination of those portions of the Report and Recommendation to which
23 objection is made. The Court concurs with and adopts the findings, conclusions,
24 and recommendations of the United States Magistrate Judge and overrules the
25 Objections.

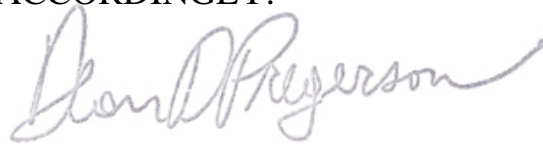
26 IT IS ORDERED that the Petition is denied and this action is dismissed
27 without prejudice because it is successive, petitioner did not obtain the requisite
28 authorization from the Court of Appeals to file a successive petition, and this Court
lacks jurisdiction to consider it.

1 IT IS FURTHER ORDERED that the Clerk of the Court shall refer the
2 Petition to the United States Court of Appeals for the Ninth Circuit (the "Ninth
3 Circuit") pursuant to Ninth Circuit Rule 22-3(a).

4 IT IS FURTHER ORDERED that the Clerk shall serve copies of this Order,
5 the United States Magistrate Judge's Report and Recommendation, and the
6 Judgment herein on petitioner and on counsel for respondent.

7 LET JUDGMENT BE ENTERED ACCORDINGLY.

8 DATED: May 28, 2010



HONORABLE DEAN D. PREGERSON
UNITED STATES DISTRICT JUDGE